#### BEFORE THE ARIZONA BOARD OF

## OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY

| IN THE MATTER OF:  | )                | Case No. 2263                    |
|--|------------------|----------------------------------|
| STEVEN C. BOLES, D.O. Holder of License No. 1869 for the practice of osteopathic medicine in the State of Arizona. | )<br>)<br>)<br>) | STIPULATION AND CONSENT<br>ORDER |

### **STIPULATION**

By mutual agreement and understanding, the Arizona Board of Osteopathic Examiners (hereafter "Board") and Steven C. Boles, D.O. (hereinafter "Respondent"), the parties hereto agree to the following disposition to this matter.

- Respondent acknowledges that he has read this Stipulation and the attached Consent
   Order; and, Respondent is aware of and understands the content of these documents.
- 2. Respondent understands that by entering into this Stipulation, he voluntarily relinquishes any rights to a hearing on the matters alleged as grounds for Board action or to seek judicial review of the Consent Order in state or federal court.
- 3. Respondent understands that this Stipulation and Consent Order will not become effective unless approved by the Board and signed by its Executive Director.
- 4. Respondent further understands that this Stipulation and Consent Order, once approved and signed, shall constitute a public records which will be disseminated as a formal action of the Board.
- Respondent admits to the statement of facts and conclusions of law contained in the
   Stipulated Consent Order.

- 6. All admissions made by Respondent are solely for final disposition of this matter and any subsequent administrative proceedings or litigation involving the Board, Respondent and the State of Arizona; and, therefore, said admissions by Respondent are not intended for any other purpose or administrative regulatory proceeding or litigation in another state or federal court.
- 7. Respondent acknowledges and agrees that upon signing and returning this document (or a copy thereof) to the Board's Executive Director, he may not later revoke or amend this Stipulation or any part of the Consent Order, although said Stipulation has not yet been accepted by the Board and issued by its Executive Director, without first obtaining Board approval.

REVIEWED AND ACCEPTED this 23 day of August, 1997.

|                                      | Statu C Boles, D.O.   |
|--------------------------------------|---|
| STATE OF ARIZONA                     | )<br>) ss   |
| County of Maricopa                   |   |
| This instrument wa named individual. | s acknowledged before me this day of August, 1997 by the above-       |
| My Commission expires:               | Notary Public Witnessed by anotheric Beggin Executive Director 423/97 |
|                                      |   |

# REVIEWED AND APPROVED as to form by counsel for Respondent on this day

August, 1997.

REVIEWED AND SIGNED this 231/2 day of August, 1997 for the Board by:

Ann Marie Berger, Executive Director

Arizona Board of Osteopathic Examiners in Medicine and Surgery

#### BEFORE THE ARIZONA BOARD OF

### OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY

| IN THE MATTER OF:                  | ) | Case No. 2263               |
|------------------------------------|---|-----------------------------|
|                                    | ) | CONSENT ORDER FOR PROBATION |
| STEVEN C. BOLES, D.O.              | ) | OF LICENSE                  |
| Holder of License No. 1869 for the | ) |                             |
| practice of osteopathic medicine   | ) |                             |
| in the State of Arizona.           | ) |                             |
|                                    | ) |                             |

#### FINDINGS OF FACT

- 1. Steven C. Boles, D.O., (hereafter "Respondent"), is a licensee of the Board and the holder of License No. 1869.
- 2. On or about June 13, 1997 the Board received a complaint alleging that Respondent was attempting to acquire controlled substances for personal use under fraudulent means.
- 3. On June 24, 1997 the Board held a public meeting by telephone conference call to review the information and allegation regarding Respondent. The Board, at that time, issued an Order for Summary Suspension of License. The Findings of Fact by the Board in that order are hereby incorporated by this reference.
- 4. On June 24, 1997 Respondent voluntarily admitted himself to Cottonwood De Tucson Rehabilitation Center for inpatient rehabilitation treatment regarding his substance abuse addiction.
- 5. Having completed inpatient and now continuing outpatient treatment for rehabilitation of his admitted addiction, Respondent requested that the Board release his license from suspension and that he enter into a Stipulated Consent Order for Probation for a five-year period to include rehabilitation, prescription restriction and monitoring. In public session the Board voted on

August 23, 1997 to authorize the Board's Executive Director to sign and issue a Stipulated Consent Order regarding Respondent which follows hereinafter.

## **CONCLUSIONS OF LAW**

- 1. Pursuant to Arizona Revised Statutes § 32-1800, et seq., the Arizona Board of Osteopathic Examiners in Medicine and Surgery has subject matter and personal jurisdiction in this matter.
- 2. The Board has the authority to enter into a stipulated order for disciplinary action against a license, pursuant to A.R.S. § 41-1061(D), A.R.S. § 32-1855 and A.R.S. § 32-1861(D).
- 3. The Respondent engaged in unprofessional conduct as defined in .A.R.S. § 32-1854 by violating federal and state statutes and regulations concerning the use, prescription and/or possession of controlled substances.
- 4. Based upon the Findings of Fact set forth above herein, the Board concludes that it has the requisite factual basis and legal authority to order probation of Respondent's license.

### **ORDER**

Pursuant to the authority vested in the Board, IT IS HEREBY ORDERED THAT:

- 1. Respondent's Board License Number 1869 for the practice of osteopathic medicine and surgery in the State of Arizona is hereby placed under probation for five (5) years and shall comply with the terms and conditions of probation as set forth herein:
- 2. From the date of this Order, Respondent shall obtain psychiatric or psychological treatment by a therapist(s) who is either a licensed psychiatrist and/or psychologist and is selected by Respondent and approved by the Board. Respondent shall comply with the therapist recommendation for the frequency of therapy treatment sessions. Respondent shall inform the Board

by letter (mailed within ten days of the date of this Order) of the therapist's name; and, Respondent shall undertake and fully cooperate with a program of treatment established by the therapist. In the event Respondent changes therapists, he shall give the Board written notice within ten (10) days of said action. Respondent shall not discontinue or reduce the frequency of psychotherapy sessions until he has submitted a written request to the Board and obtained Board approval.

- 3. Respondent's therapist(s) shall receive a copy of this Order and Board Staff shall cooperate with and disclose all relevant information in the Board's files concerning Respondent. The treating therapist shall be directed by Respondent to send to the Board a detailed written progress report every month for the first six (6) months, then every three (3) months for the remainder of the probation; and Respondent, shall waive any confidentiality concerning his psychotherapy in order that the Board may receive full disclosure of information. The expense of the aforementioned therapy and the reports to the Board by Respondent's therapist shall be the sole responsibility of the Respondent.
- 4. Respondent shall provide a copy of this Order and any subsequent Orders to all facilities where Respondent is currently (or subsequently) employed as a physician and/or has (or subsequently receives) privileges to engage in the practice of medicine; and, Respondent shall continue to make the aforementioned disclosure and provide copies of this Consent Order until the expiration of this Order.
- 5. Respondent may have his license to practice as an osteopathic physician restricted, suspended or revoked by the Board in the future <u>if</u>:
  - (A) The Board finds that Respondent does not have the requisite mental, physical and emotional fitness to safely continue the practice of medicine; or,

- (B) There are new grounds for finding unprofessional conduct concerning Respondent; or,
- (C) Fails to comply fully with the terms and conditions of this Order.
- 6. Respondent shall abstain completely from the consumption of alcoholic beverages; and, Respondent shall not consume illicit drugs or take any controlled substances (i.e., prescription only drugs), unless such medication is prescribed for him by his treating physician. Respondent shall maintain a monthly log (for the duration of probation) of all prescription only drugs taken by him and such log shall include the following information:
  - (a) the name of the medication;
  - (b) name of prescribing physician;
  - (c) reason for the medication.

At the first of each month, Respondent shall report by letter to the Board whether or not he is taking any prescription only medication and, if so, a copy of his log reflecting the above information.

7. Respondent shall also, as part of his probation: (A) submit to and cooperate in any independent medical or psychological evaluation that is ordered by the Board for Respondent and conducted by the Board's designated physician and/or psychologist which shall be paid for by Respondent; and (B) appear before the Board, upon receipt of a request by written or telephonic notification from the Board's executive director which shall be given at least five (5) days prior to the Board meeting; and, (C) submit to random biological fluid testing and promptly provide (i.e., within sixty (60) minutes of notification) required biological fluids for testing and said testing shall be done at the Respondent's expense.

- 8. Respondent shall participate in a minimum of three (3) self-help meetings per week through such organizations as A.A., N.A., C.A. and doctor's Caduceus group. Respondent shall keep a log of all meetings attended and have the log signed by the chairperson of the meeting. Respondent will provide the Board with a copy of the signed log the first of every month.
- 9. This Order shall supersede and replace all prior orders of the Board concerning Respondent.
- 11. In the event Respondent ceases to reside in Arizona, he shall give written notice to the Board of his new residence address within twenty (20) days of moving; and, the terms and duration of probation may be stayed by the Board until Respondent returns to Arizona.
- 12. Respondent shall not prescribe any controlled substances except for the following and pursuant to the conditions described hereafter: (A) Schedule IV and V as defined by the Federal Controlled Substances Act. (B) Respondent's prescriptions for Schedule IV and V substances, per patient, shall not exceed a dosage amount for use of the substance for more than seven (7) days and the prescription may not be renewed telephonically by Respondent. Upon written request and Board approval this term of probation may be modified.
  - 13. Respondent shall limit his work hours to an average of forty (40) per week.
- 14. Respondent will telephone the Board's office daily between 9:00 a.m. and 11:00 a.m. The Executive Director will inform Respondent of the telephone number and contact person for Respondent to call.
- 15. Respondent shall reimburse the Board for all expenses associated with the investigation, hearing and continued monitoring of this matter.
  - 16. Respondent shall continue to meet all licensing requirements such as continuing

medical education and renewal requirements including applicable fees pursuant to A.R.S. § 32-1825.

- 17. The Board's Executive Director shall send correspondence to the appropriate state and/or federal law enforcement agency disclosing information in the Board's possession which may establish criminal misconduct by Respondent, i.e., illicit use of controlled substances and obtaining controlled substances illegally.
- 18. Respondent's failure to comply with the requirements of this Order shall constitute unprofessional conduct as defined at A.R.S. § 32-1854(26), as amended, and may be considered as grounds for further disciplinary action (e.g., suspension or revocation of license) in the event that Respondent fails to comply with any of the requirements of this Order.

ISSUED this 23rd day of August, 1997.

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY

Bv:

Ann Marie Berger, Executive Director

9535 E. Doubletree Ranch Rd.

Scottsdale AZ 85258

Telephone: (602) 657-7703 (ext. 22)

Served by personal service or sending U.S. certified mail this 25<sup>th</sup> day of August, 1997 to:

Steven C. Boles, D.O. 702 E. Bell Rd., B119 Phoenix AZ 85022

# Copy mailed this 25th day of August, 1997 to:

Blair Driggs Assistant Attorney General Office of the Attorney General 1275 W. Washington Phoenix AZ 85007 (w/enclosure)

Dain K. Calvin, Esq. 2025 North Third Street, Suite 300 Phoenix AZ 85004-1427

Arizona Board of Pharmacy 5060 N. 19th Ave., Suite 101 Phoenix AZ 85015

Drug Enforcement Administration Attention: Diversion Section 3010 N. 2nd St Phoenix AZ 85012

Karen & Relly